

## Amendment and Response

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Serial No.: 10/028,040

Confirmation No.: 2997

Filed: December 21, 2001

For: METHODS FOR PLANARIZATION OF GROUP VIII METAL-CONTAINING SURFACES USING COMPLEXING AGENTS

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Remarks

The Office Action mailed July 23, 2004 has been received and reviewed. Claims 6, 28, 37, 38, 40, 43, 46, 47, 49, 52, 55, 56, 59, 62, 66, 69, 73, and 76 having been amended, and claims 14, 26, 32, and 34 having been previously canceled, the pending claims are claims 1-13, 15-25, 27-31, 33, and 35-79. Reconsideration and withdrawal of the rejections are respectfully requested.

Applicants thank the Examiner for indicating that claims 1-5, 8-13, 15, 39, and 48 are allowed. The reason indicated in a previous Office Action was that Sachan et al. do not teach the use of an organic amine selected from the group of ethylamine, methylamine, triethylamine, trimethylamine, and combinations thereof. In view of this, Applicants request the Examiner to reconsider each of the other claims in view of the comments below.

Claims 6, 40, 49, 59, 66, and 73 have now been amended to recite "wherein the organic amine is selected from the group consisting of ethylamine, methylamine, triethylamine, trimethylamine, and combinations thereof." Accordingly, claims 6, 7, 40, 49, 59-61, 66-68, and 73-75 should be allowable for reasons analogous to the reasons presented by the Examiner for the allowance of claims 1-5, 8-13, 15, 39, and 48.

It is respectfully submitted that claims 16, 41, and 50 have not been amended but they also recite "wherein the organic amine is selected from the group consisting of ethylamine, methylamine, triethylamine, trimethylamine, and combinations thereof." In addition, it is noted that the composition includes both an organic amine from this group and an organic chelating acid or salt thereof. Accordingly, because Sachan et al. do not teach such organic amines in combination with an organic chelating acid or salt thereof, claims 16-25, 27, 41, 42, 50, and 51 should be allowable.

Claims 28, 38, 43, 47, 52, 56, 62, 69, and 76 have been amended to remove the "organic chelating acid" from the list of complexing agents. Each of these claims also recites "wherein the organic amine is selected from the group consisting of ethylamine, methylamine,

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triethylamine, trimethylamine, and combinations thereof." Accordingly, claims 28-31, 33, 35, 36, 38, 43-45, 47, 52-54, 56-58, 62-65, 69-72, and 76-79 should be allowable.

Claims 37, 46, and 55 have been amended to clarify that the "salts of the acids" refer to the "salts of acetic, ascorbic, propenoic, or succinic acids." Such acids and salts thereof are not specifically disclosed in Sachan et al. These claims also recite "ethylamine, methylamine, triethylamine, trimethylamine," and combinations thereof. Accordingly, claims 37, 46, and 55 should also be allowable.

**The 35 U.S.C. §112, First Paragraph, Rejection**

The Examiner rejected claims 59-79 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner indicated that there is no support in the specification for the oxidizing agent being present in an amount of no more than about 10 wt-%. This rejection is respectfully traversed. Support for this language is at page 13, lines 28-30.

**The 35 U.S.C. §102 Rejection**

The Examiner rejected claims 16-18, 21-25, 27-30, 33, 35-38, 40, 43, 45, 46, 49, 50, 52, 54-58 under 35 U.S.C. §102 as being anticipated by Sachan et al. (US 2002/0111027 A1). This rejection is traversed in view of the amendments made herein and comments presented above. Although Applicants do not argue with the Examiner's statements, the amendments have been made herein solely in the interest of expediting prosecution. Applicants reserve the right to present the claims prior to amendment with additional arguments in a continuing application.

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**The 35 U.S.C. §103 Rejection**

The Examiner rejected claims 6, 7, 10, 19, 20, 31, 42, 44, 47, 51, 53, 59-79 under 35 U.S.C. §103 as being unpatentable over Sachan and further in view of Wang et al. (U.S. Patent Publication No. 2003/0166337). This rejection is traversed in view of the amendments made herein and comments presented above. Although Applicants do not argue with the Examiner's statements, the amendments have been made herein solely in the interest of expediting prosecution. Applicants reserve the right to present the claims prior to amendment with additional arguments in a continuing application.

**Information Disclosure Statement**

Applicants filed Supplemental Information Disclosure Statements and 1449 forms on June 17, 2003, September 4, 2003, and March 2, 2004. Applicants have not yet received a copy of the 1449 forms mailed on these dates as being considered. Enclosed for your convenience is a copy of each of the 1449 forms and Applicants request that a copy of the 1449 forms (Exhibit A), marked as being considered and initialed by the Examiner, be returned with the next Official Communication.

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COMPLEXING AGENTS**Summary**

It is respectfully submitted that the pending claims 1-13, 15-25, 27-31, 33, and 35-79 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for  
**Sinha et al.**

By  
Mueeting, Raasch & Gebhardt, P.A.  
P.O. Box 581415  
Minneapolis, MN 55458-1415  
Phone: (612) 305-1220  
Facsimile: (612) 305-1228  
Customer Number 26813

October 25, 2004  
Date

By: Ann M. Mueeting  
Ann M. Mueeting  
Reg. No. 33,977  
Direct Dial (612)305-1216

**CERTIFICATE UNDER 37 CFR §1.8:**

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 25<sup>th</sup> day of October, 2004, at 6:42 PM (Central Time).

By: SAM HER  
Name: SAM HER